

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

MELZAR TI-SHAWN WILKINS, 10-B-3529,

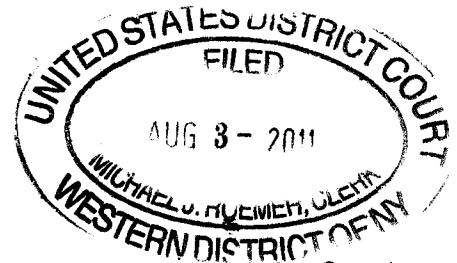
Plaintiff,

-v-

KELLY R. HERKEY, KAITLIN BAILEY and
JEFFERY BANAS, Employees of the Erie County
Central Police Services Forensic Laboratory,

Defendants.

DECISION and ORDER
11-CV-6104CJS



Plaintiff, proceeding *pro se*, was directed to amend his complaint to allow the Court to determine whether the actions complained of fell within the statute of limitations for 42 U.S.C. 1983. Plaintiff has file an amended complaint (Docket # 6). Plaintiff's amended complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.¹

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Amended Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

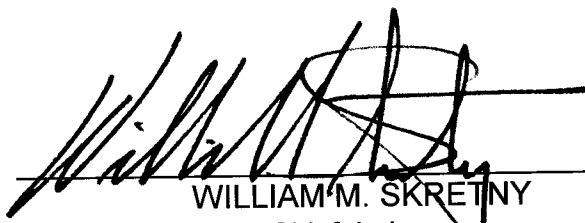
¹ The Court assumes, plaintiff having left any allegations and defendants from the August, 2007 arrest out of this amended complaint, that any arraignment and acquittal for those charges fell outside of the 3 year statute of limitations.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

Dated:

8/3, 2011
Buffalo, New York



WILLIAM M. SKRETNY
Chief Judge
United States District Court